

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LAYNE DREXEL,	:	
	:	
Plaintiff,	:	
	:	C.A. No. 05-428 (JJF)
v.	:	
	:	Jury Trial Demanded
HARLEYSVILLE INSURANCE CO.,	:	
	:	
Defendant.	:	

Plaintiff's Motion for Summary Judgment

Plaintiff, Layne Drexel, moves for summary judgment, pursuant to Federal Rule of Civil Procedure 56, with respect to counts I (breach of contract) and IV (attorneys' fees) of the complaint. The grounds for the motion are that no material facts are in dispute and that Layne Drexel is entitled to judgment as a matter of law under the language of the insurance policy at issue. Alternatively, Layne Drexel is entitled to summary judgment under the principle of *contra proferentem*. If the Court grants summary judgment on either ground, Layne Drexel also is entitled to attorneys' fees, the costs of this suit, and prejudgment interest as a matter of law. Plaintiff's Opening Brief supporting this motion explains the grounds for the motion in greater detail.

SMITH, KATZENSTEIN & FURLOW LLP

/s/ Robert K. Beste

Kathleen M. Miller (ID No. 2898)
Robert K. Beste, III (ID No. 3931)
Post Office Box 410
Wilmington, Delaware 19899
Telephone: (302) 652-8400
Facsimile: (302) 652-8405

October 31, 2007

Attorneys for plaintiff